

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FRANK T. BRZOZOWSKI

: CIVIL ACTION

v.

: NO. 15-2339

**PENNSYLVANIA TURNPIKE
COMMISION, *et al.***

ORDER

AND NOW, this 28th day of November 2018, upon considering Defendants' Motion to dismiss (ECF Doc. No. 41) the amended Complaint (ECF Doc. No. 38), Plaintiff's Opposition (ECF Doc. No. 65), and for reasons in the accompanying Memorandum, it is **ORDERED** Defendants' Motion to dismiss (ECF Doc. No. 41) is **GRANTED**:

1. **With prejudice** as to Plaintiff's claims under:

a. Title VII, Pennsylvania Human Rights Act, and Age Discrimination in Employment Act claims against William K. Lieberman, A. Michael Pratt, Pasquale T. Deon, Sr., Patricia Schlegel, Dorothy Ross, Sean Logan, Barry J. Schoch, Judy Treaster, Patrick Caro, Jill Davis, David Smith and Lynn Feeman;

b. First Amendment retaliation for (1) refusing to sign secondary employment documents, (2) his political affiliation with the Democratic Party, (3) criticizing Republican privatization ventures;

c. the Pennsylvania whistleblower statute;

d. the Fair Labor Standards Act, the Fair Pay Act, and the Equal Pay Act against individual Defendants;

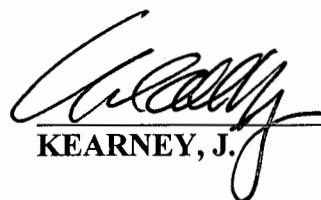
e. unjust enrichment or quantum meruit against individual Defendants; and,

f. the due process clause;

2. **Without prejudice** as to Plaintiff's claims against the Pennsylvania State Police, Cpl. Kernaghan and Governor Corbett subject to possible renewal of claims upon accrual in accord with the accompanying memorandum;

3. **Without prejudice** with leave granted to Plaintiff to plead facts and amend claims consistent with the accompanying Memorandum and Fed.R.Civ.P. 11 no later than **January 4, 2019** to assert (1) First Amendment retaliation claim against the Turnpike Commission for his assisting minorities; (2) First Amendment retaliation claim against Patricia Schlegel and Dorothy Ross for preventing him from interviewing for the IT position; (3) Fair Labor Standards Act, Equal Pay Act, Fair Pay Act, quantum meruit, and unjust enrichment claims against the Turnpike Commission; and, (4) national origin, sex, and age discrimination claims against the Turnpike Commission; and,

4. Absent a timely amendment, we will close this case.



KEARNEY, J.

A handwritten signature in black ink, appearing to read "John Kearney, Jr.", is written over a horizontal line. Below the signature, the name "KEARNEY, J." is printed in a standard font.